

FRANKFORT/FRANKLIN COUNTY BOARD OF ZONING ADJUSTMENTS
December 2, 2008

Chairman Mitch Buchanan called the meeting to order at 5:30 p.m.
Recording Secretary Dawn McDonald called the roll.

MEMBERS PRESENT:

William Gross
Michael Turner
Barry Holder
Martha Booth
Ryan Sell
David Jones

MEMBERS ABSENT:

Mitch Buchanan

Vice Chairman Barry Holder called the meeting to order, introduced staff and swore in the staff and audience.

The first item of business was approval of the November 6, 2008 minutes. Ms. Booth made a motion to approve the minutes. The motion was seconded by Mr. Rankin and carried unanimously.

The next item of business was a request from Richard D. Hulette for a Conditional Use Permit to allow a watchman's residence within the commercial building located at 728 Holmes Street, zoned "CG" General Commercial District.

Maya DeRosa, City of Frankfort Planning Supervisor was present for the staff report and she went over a slide show as she detailed the property and explained that staff had received a couple of complaints that someone was living there however when staff did their investigation they found no evidence that someone was living there. She explained that the application is for a night watchman's residence located within the commercial building. Staff had positive and negative findings and mentioned that they encourage mixed uses in this district and therefore recommend approval with conditions.

The applicant Richard Hulette was present and stated that he had been having trouble with parking, vandalism and bee bee shots until about 8 months ago and now he isn't having the problem anymore with a night watchman on site. He stated that he has read and agrees with the conditions.

After discussion, Ms. Booth made a motion to recommend approval of a Conditional Use Permit for a night watchman's residence for the property located at 728 Holmes Street with the following conditions: 1) the conditional use is permitted for the night watchman's residence within the commercial structure located at 728 Holmes Street; 2) the conditional use is granted only to Richard Hulette; 3) the conditional use is not transferable and any change in ownership or use will make this approval null and void; 4) the night watchman's residence quarters shall be limited to the area shown on the

floor plan submitted with this application; and 5) any other land use that requires a conditional use permit shall be submitted to the Board of Zoning Adjustments prior to the change of use. The motion was seconded by Mr. Turner and carried unanimously.

The next item of business was a request from Richard Meyer of MSN Properties for a Conditional Use Permit to change the name of a previously granted CUP from MSN Properties, LLC to “Turnberry Gardens Condominium Association” located at 98 Turnberry Gardens, unites 1 – 16, zoned “RC” Single Family Residential Urban Density District.

Maya DeRosa was present for the staff report and she mentioned that this application is to amend an existing CUP currently under construction. The original CUP was approved in 2006 and it was permitted only for MSN Properties, she mentioned that condition 3 of the previous approval required approval from the Board of Zoning Adjustments for a name change. She stated that staff had positive findings and recommended approval with conditions.

The applicant Richard Meyer was present and stated that he had nothing to add but was available for questions. He explained that they intend to create condominium association so the people who live there could own and maintain the property via this association.

Larry Lagoy of 608 Winding Way Court was present and stated that he has property adjacent to MSN Properties, he wanted to know if there property values would increase as a result of this development and mentioned that he appreciates the good work they are doing over there.

After discussion, Mr. Holder made a motion to approve the Conditional Use permit for a name change from MSN Properties, LLC to Turnberry Gardens Condominium Association located at 98 Turnberry Gardens, units 1 – 16 with the following conditions: 1) the conditional use is permitted for the property located at 98 Turnberry Gardens, units 1 – 16; 2) the conditional use is only for eight (8), two-family residence condominiums-16 total units; 3) any other land use that requires a conditional use permit shall require approval from the Board of Zoning Adjustments prior to the change of use; 4) the conditional use is granted only to Turnberry Gardens Condominium Association; 5) the conditional use is not transferable and any change in ownership or use will make this approval null and void; and 6) a condominium plat and condominium association documents for property maintenance shall be reviewed and approved by staff prior to the effectiveness of the Conditional Use Permit for the sales of properties. The motion was seconded by Mr. Sell and carried unanimously.

Mr. Rankin made a motion to adjourn. The motion was seconded by Mr. Gross and carried unanimously.

Adjourn